

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:08-CR-32-BR
NO. 4:11-CV-44-BR

DARIO MENDOZA-MENDOZA)
Petitioner)
)
v.)
)
UNITED STATES OF AMERICA)
Respondent.)

ORDER

This matter is before the court on the government's motion to dismiss petitioner's motion filed under 28 U.S.C. § 2255. Petitioner filed a response in opposition to the government's motion.

The sole basis the government asserts for dismissal is the contention that "[t]he petition is not ripe for adjudication because petitioner claims that he has a separate petition for certiorari pending before the Supreme Court." (Mot. at 1.) On 27 June 2011, the Court denied the petition for a writ of certiorari. (No. 10-10663.) Accordingly, the motion to dismiss is DENIED. Within 30 days of the filing of this order, the government is DIRECTED to file an answer or appropriate motion.

This 30 June 2011.



W. Earl Britt
Senior U.S. District Judge